



Bayer 8890.2-WCG:cq
Le A 29 373-US Lin/as

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Lutz Heuer, et al.
Serial No. : 08/542,566
Filed : October 13, 1995
For : MICROBICIDAL COMPOSITIONS
Art Unit : 1209
Examiner : Allen J. Robinson

J. Webster
#24
7/31/96

July 10, 1996

Honorable Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

AMENDMENT UNDER 37 C.F.R. RULE 111

In response to the Office Action mailed March 11, 1996, kindly consider the following remarks:

REMARKS

This application pertains to a novel method of protecting wood against wood-destroying fungi, and to wood products which are so-protected.

Claims 7 and 11 are pending.

Claim 11 stands rejected under 35 USC 112, first and second paragraphs. The Examiner contends that "Claim 11 is an improper claim in claiming products that merely contain the claimed active ingredient". The product claimed in Claim 11 is not "merely" one